

Resolution No.: _____
Introduced: July 14, 1994
Adopted: _____
as modified 8-1 (Ayes over against)

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

Subject: Approval of FY 95 Annual Growth Policy

Background

1. County Code Section 33A-15 requires that no later than July 15 of each year, the County Council must adopt an Annual Growth Policy (AGP) Ceiling Element to be effective throughout the next fiscal year, providing policy guidance to the various agencies of government and to the general public on matters concerning land use development, growth management and related environmental, economic and social issues.

2. On May 15, 1994, in accordance with the requirements of Section 33A-15, the County Executive transmitted to the County Council his comments and recommendations on the FY 95 Annual Growth Policy Ceiling Element and FY94 Annual Growth Policy Amendment based on the Final Draft Annual Growth Policy documents submitted by the Planning Board on May 1, 1994.

3. In addition, the Final Draft Annual Growth Policy Ceiling Element as submitted by the Planning Board contained supporting and explanatory materials including forecasts for the most probable trends in population and households, a set of recommended growth capacity ceilings for each policy area within the County, proposed guidelines for the administration of the Adequate Public Facilities Ordinance, and other background information relevant to the subject of growth policy.

4. In addition, the Final Draft Annual Growth Policy Amendment as submitted by the Planning Board contained recommendations for amending the methodology for determining the adequacy of transportation facilities in Montgomery County.

5. On June 9, 1994, the County Council held a public hearing on the FY 95 Annual Growth Policy Ceiling Element and FY94 Annual Growth Policy Amendment.

6. On May 24, 1994, the County Council adopted the Capital Improvements Program for fiscal years 1995-2000.

7. On June 23, 1994, July 5, 1994, and July 12, 1994 the Council conducted worksessions on the Annual Growth Policy, at which time careful consideration was given to the public hearing testimony, updated information, recommended revisions

and comments of the County Executive and Montgomery County Planning Board, and the comments and concerns of other interested parties.

8. The County Council reviewed the facts and assumptions underlying this Annual Growth Policy. This review included: 1) a detailed review by policy area of existing and projected transportation facilities and conditions; 2) a review of the methodology for determining the adequacy of transportation facilities, including pedestrian facilities; 3) a discussion of the de minimis rule; 4) a review of the Annual Report of the Silver Spring Transportation Management District [and issues related to ceiling capacity in the Silver Spring CBD policy area]; and 5) a review of issues related to the establishment of a Clarksburg policy area for FY 95.

8. The Council recognizes efforts made by the Planning Board and the Executive to improve the consistency and reliability of the County growth management data base. These efforts have resulted in a reduction of errors from prior years. In this regard, the Council stresses the need for sustained administrative vigilance in assessing the validity of computer based systems and the reliability of data collection efforts. The Council recognizes that a quantitatively oriented system such as the Annual Growth Policy, though subject to limitations, can promote objectivity and fairness in land-use decision making.

Action

The County Council for Montgomery County, Maryland, adopts the foregoing background statement and approves the following Resolution:

The Planning Board's Final Draft [FY 94] FY 95 Annual Growth Policy Ceiling Element, FY 94 AGP Amendment, and comments and recommendations of the County Executive have been reviewed and amended by the County Council, so that the following constitutes the entire Annual Growth Policy for [FY 94] FY 95:

I. Guidelines for the Administration of the Adequate Public Facilities Ordinance:

The Montgomery County Subdivision Ordinance, County Code Section 50-35(k) ("the Adequate Public Facilities Ordinance or APFO"), directs the Montgomery County Planning Board to approve preliminary plans of subdivision only after finding that public facilities will be adequate to serve the subdivision. This involves predicting future demand from private development and comparing it to the capacity of existing and programmed public facilities. The following guidelines describe the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities. These guidelines supersede all previous ones adopted administratively by the Planning Board to the extent that these guidelines conflict with previous ones. They also supersede those provisions of the Adequate Public Facilities Ordinance which were specified to apply only until the County Council had approved an Annual Growth Policy.

The Council accepts the definitions of terms and the assignment of values to key measurement variables which were used by the Planning Board and its staff, and accepted by the Executive, in developing the recommended Annual Growth Policy. The Council delegates to the Planning Board and its staff all other necessary administrative decisions not covered by the guidelines outlined below. In its administration of the APFO, the Planning Board is directed to request and consider the recommendations of the County Executive and other agencies in determining the adequacy of public facilities.

Subdivision applications may be subject to two different types of test. One is called the Policy Area Transportation Review. The other is called the Local Area Transportation Review.

The Policy Area Transportation Review divides the County into policy areas. These are geographic areas for which the adequacy of public facilities is addressed on an area-wide basis, as follows:

- With regard to transportation, a staging ceiling may be established for each policy area.
- With regard to school facilities, a legislative determination will be made whether the school facilities for each cluster will be adequate.

The staging ceiling for a policy area is defined as the maximum amount of land development that can be accommodated by the existing and programmed public facilities serving the area, at an assigned level of service standard. The legislative directive concerning school policy areas reflects a determination whether additional development can be accommodated by the schools. The policy area staging ceilings and directives approved in this Annual Growth Policy are to remain in effect throughout [FY 94] FY 95 unless amended subsequently by the County Council after public hearing. However, the Planning Board may adjust the policy area staging ceilings, in accordance with the Board's administrative procedures, to reflect trip reduction programs, developer participation in capital improvement projects, or direction in this Resolution to adjust staging ceilings upon the occurrence of certain events.

Except for special circumstances which are described below (see discussions of "Ceiling Flexibility"), if a proposed subdivision is in a geographic policy area for which previously approved development (pipeline) exceeds the staging ceiling, or for which a negative school facility directive exists, then the Planning Board must find the public facilities to be inadequate.

The purpose of the Policy Area Transportation Review method for evaluating the adequacy of transportation facilities is to place the individual subdivision within the context of a comprehensive, countywide assessment, which takes account of, and properly allows for, the upstream and downstream traffic impacts of development in various geographic areas. Similarly, the purpose of the policy area directives concerning school facilities is to reflect the ability of the public school system to accommodate students from new development.

The policy area ceilings and directives described in this AGP are based primarily on the public facilities in the Approved FY [94-99] 95-00 Capital Improvements Program (CIP) and the Maryland Department of Transportation FY [93-98] 94-99 Consolidated Transportation Program (CTP). The Council also reviewed related County and State funding decisions, master plan guidance and zoning where relevant, and related legislative actions. These ceilings and directives and their supporting planning and measurement process have been the subject of a public hearing and review during worksessions by the County Council. Approval of the ceilings and directives reflects a legislative judgment that, all things considered, these staging ceilings and procedures constitute a reasonable, appropriate, and desirable set of interim growth limits, which properly relate to the ability of the County to program and construct facilities necessary to accommodate growth. These growth limits will substantially advance County land use objectives by providing for coordinated and orderly development.

These guidelines are not intended to be used as a means for government to avoid its responsibility to provide adequate public facilities. Annual review and oversight allows the Council to identify problems and initiate solutions that will serve to avoid or limit the duration of any moratorium on new subdivision approvals in a specific policy area. Further, alternatives may be available for developers who wish to proceed in advance of the adopted public facilities program, through the provision of additional public facility capacity beyond that contained in the approved Capital Improvements Program, or through other measures which accomplish an equivalent effect.

The administration of the Adequate Public Facilities Ordinance shall at all times be consistent with adopted master plans and sector plans. Where development staging in adopted master plans or sector plans are more restrictive than AGP guidelines, the guidelines in the adopted master plan or sector plan shall be used to the extent that they are more restrictive. More restrictive guidelines can be found in the Friendship Heights Sector Plan, and the Silver Spring CBD Sector Plan. The ceiling in the Potomac policy area is set at the zoning ceiling based on the policy in the Potomac Master Plan. [Development in the Bethesda CBD is controlled by the cordon capacities established in the Bethesda CBD Sector Plan.]

The ceiling in all [Group I] rural areas is set at the zoning ceiling subject to guidelines for Local Area Transportation Review and

guidelines for water and sewerage facilities. Rural areas are Darnestown/Travilah, Goshen, Patuxent, Poolesville, and Rock Creek.

Clarksburg

A. Guidelines for Transportation Facilities

1. Policy Area Transportation Review

(a) Policy Areas; Establishment of Staging Ceilings

(1) Policy Areas - Boundaries and Definitions

For the purposes of transportation analysis, the County has been divided into 292 areas called traffic zones as seen in Map 1. Based upon their transportation characteristics, these areas are grouped into transportation policy areas. In many cases, transportation policy areas have the same boundaries as planning areas, sector plan areas, or master plan analysis (or special study) areas. The policy areas in effect for [FY 94] FY 95 are: Aspen Hill, Bethesda CBD, Bethesda-Chevy Chase, ~~Clarksburg~~, Cloverly, Damascus, Derwood/Shady Grove, Fairland/White Oak, Gaithersburg City, Germantown East, Germantown Town Center, Germantown West, Grosvenor, Kensington/Wheaton, Montgomery Village/Airpark, North Bethesda, North Potomac, Olney, Potomac, R&D Village, Rockville City, Silver Spring CBD, Silver Spring/Takoma Park, Twinbrook, Wheaton CBD, and White Flint.

The boundaries for the [Grosvenor, Twinbrook, and White Flint policy areas are] ~~Clarksburg policy area is~~ shown on Map[s] 2 [through 4, respectively]. Detailed boundaries of other policy areas are shown in the Planning Board's Final Draft AGP.

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The boundaries of the Gaithersburg City and Rockville City policy areas reflect existing municipal boundaries, except where the cities are expected to annex properties in the near future or where County regulated land is surrounded by city regulated land. The boundaries of these municipal policy areas do not automatically change with any changes in municipal boundaries but will require affirmative Council action.

[Map 5 shows the policy areas, and the Standard of Transportation Level of Service assigned to each of them. These levels of service standards represent a statistical average over the whole policy area. They are used in the calculations in the traffic simulation model described below. In general, the average level of service standards posted for each policy area are based on a policy that it is appropriate to permit greater congestion to occur in areas in which greater transit availability provides an alternative mode of travel for many travelers in the area. In that way, there is an opportunity for an approximately equivalent overall

transportation level of service to the residents and employees throughout the County.]

[Chart 1 provides a refined basis for showing the correspondence between transit availability and the average level of service standards. It is based primarily upon materials prepared during the development of the FY 92 Annual Growth Policy. In Chart 1, combinations of transit service that provide increased coverage, frequency, accessibility, and use are ranked as defining a higher level of transit service. Quantification is intended to serve as a guide and not as a prescriptive standard.]

[These underlying conceptual and operational measures of coverage, frequency, accessibility, and use have been combined in a quantitative fashion to describe and rank order the six different transit LOS categorical definitions in Chart 1. This approach takes into account fixed-guideway transit systems such as Metrorail, MARC commuter rail, or possible light rail trolley systems. It also applies to bus-based transit systems, high occupancy vehicle priority systems, and auto dependent transit systems which are based in large part on park/ride access as opposed to walk and bus access.]

(2) Components of Policy Area Transportation Review

There are two components to Policy Area Transportation Review: a countywide freeway test and a total transportation level of service test for each policy area.

The countywide freeway level of service is the average volume-to-capacity ratio for freeway segments, weighted by the vehicle miles of travel on those freeway segments. Freeways are defined as the following limited access highways: I-495, I-270, I-270 East and West Spurs, I-370, the Cabin John Parkway, and the Clara Barton Parkway. The countywide freeway level of service standard is 0.90 (D/E).

The total transportation level of service is computed for each policy area, and represents a statistical average of roadway and transit level of service over the whole policy area. The transit level of service includes transportation by rail, bus, walking and bicycling. The roadway level of service includes transportation by driving alone and carpools. These levels of service are calculated by the transportation planning model described below.

The standard for roadway level of service in each policy area is based on a policy that it is appropriate to permit greater roadway congestion to occur in areas in which greater transit accessibility and usage provides an alternative mode of travel for many travelers in the area. In that way, there is an

approximately equivalent total transportation level of service for residents and employees throughout the County. The total transportation level of service standard is 0.585 (C-) in each policy area.

Table 6 shows the factors used in calculating the total transportation level of service: the regional transit accessibility index for each policy area, the average congestion index standard for local roads, and the mode shares for transit and auto. It is based upon materials contained in the FY 94 Annual Growth Policy Amendment.

- The Regional Transit Accessibility Index measures how well the transit network connects jobs and houses. The more houses and jobs that can be accessed by transit in the least time, the higher the regional transit accessibility index value.
- The Average Congestion Index for local roads is the average volume-to-capacity ratio for roadway segments on major highways, arterials, and selected primary residential streets, weighted by the vehicle miles of travel on those roadway segments.
- Mode shares are computed from the transportation planning model, validated by the most recent observed data. All facilities and programs intended to reduce the auto-driver mode share are periodically evaluated to determine actual results achieved.

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(3) Determination of Staging Ceilings

Through the use of a [computerized traffic simulation] transportation planning model, the Planning staff has computed a balanced relationship between a programmed set of transportation facilities and a geographical pattern of jobs and housing units. Policy area ceilings have been established through an iterative process which assigns a hypothetical future land use pattern (i.e., jobs, and housing units derived from interim market projections) to the County, and tests its traffic impact through the use of this model. Through a process of repetitive trial and error, this land use pattern has been modified so that it produces a traffic volume and distribution that is equivalent to the average level of service standard for each policy area.

This iterative procedure has as an objective minimizing the difference between anticipated congestion levels and the automobile level of service standard on local roads in each policy area and on freeways countywide. If the level of

service on local roads in a policy area is anticipated to exceed the level of service standard, the amount of future land use permitted is reduced in that policy area. In addition, the magnitude of the hypothetical future land use patterns in nearby policy areas is reduced to limit adverse "upstream/downstream" effects. If the level of service standard on freeways is anticipated to be exceeded, the magnitude of the hypothetical future land use patterns in nearby policy areas is reduced until the anticipated level of service on freeways is approximately equal to the level of service standard.

The allocation of transportation capacity between jobs and housing by the County Council reflects [its approach to the General Plan recommendation that jobs and housing be balanced] the General Plan's recommendations regarding the balance of jobs and housing. Attainment of that goal is often expressed by the ratio that describes the relationship between the number of employed residents per household to the number of jobs per household. Since the current jobs-to-housing ratio of existing and approved development is tilted towards jobs, allocations of new capacity as well as allocations of any reductions in capacity should generally favor housing. This may vary in policy areas with a significant staging ceiling deficit in jobs.

Some modifications to this approach may be made in specific policy areas to reflect the character of an area and its related development policies as set forth in the relevant master plan(s), the size and allocation of jobs and housing in the existing base and pipeline of development. Modifications may also be made to avoid or reduce the duration of any subdivision moratorium or to address specific equity considerations. The product of these adjustments is tested against the appropriate level of service in the transportation model to determine the specific ceiling allocation as described above. The staging ceilings established by this method are shown in Tables 1 and 2.

The Planning Board may adopt Policy Area Transportation Review guidelines and other technical materials to further document the procedures underlying the establishment of staging ceilings.

The [traffic simulation] transportation planning model takes into account all existing and approved development and all eligible programmed transportation CIP projects. For these purposes, "approved development" includes all approved preliminary plans of subdivision. "Eligible programmed transportation CIP projects" include all County CIP, State Transportation Program projects, and City of Rockville or Gaithersburg projects for which 100 percent of the expenditures

for construction are estimated to occur within the first four years of the applicable programs.

Because of the unique nature of the Georgetown Branch Trolley Project and the North Bethesda Transitway in comparison with other transportation systems which are normally used in calculating development capacity, it is prudent to approach the additional capacity from [the system] these systems in a conservative way, particularly with respect to the timing of capacity and the amount of the capacity recognized.

- Therefore, the counting of capacity from the Georgetown Branch Trolley Project will not occur until the actual system is constructed and operated, or at least until there is reasonable certainty as to its exact date of operation and amount of actual ridership; and
- The counting of the initial capacity from the North Bethesda Transitway will not occur until the County Executive has determined that construction will begin in two years; until 100 percent of the expenditures have been appropriated; and until the County Council has approved projected ridership. Upon completion of the first full year of operation, and in all subsequent years for which staging analyses are made, the staging ceiling calculations shall reflect the actual ridership achieved.

[If the State Highway Administration confirms either that the additional capacity provided by the widening of the I-270 West Spur will be designated for high-occupancy-vehicle (HOV) use during peak hours or that this widening project is scheduled to be completed no later than FY 97, then the Planning Board must administratively adjust the staging ceilings for housing and jobs in North Bethesda by adding 394 dwelling units and 500 jobs, respectively, and must administratively adjust the staging ceiling for jobs in the White Flint policy area by adding 2,029 jobs.]

Planning staff shall keep a record of all previously approved preliminary plans and other data about the status of development projects, and continuously update the pipeline number of approved preliminary plans, thus constantly keeping in view, and presenting to the Planning Board, the amount of capacity still available under the adopted ceiling at any given time. The continuous updating shall include all changes to the amount of development approved under outstanding preliminary plans, with the exception of those which result from the discovery of accounting errors. Such errors shall be reported to the Council each year in May prior to the Council's adoption of the AGP, and shall be reported on a quarterly basis, or more frequently, to the Planning Board who may bring them to the attention of the Council if the Board judges them to be

significant. (Tables 1 and 2 show the capacity remaining as of [April 30, 1993] June 9, 1994). The Planning Board should maintain a periodically updated queue list of applicants for preliminary plan of subdivision approval.

When the subdivision pipeline has risen to meet the ceiling, no more subdivisions shall be approved by the Planning Board in that policy area, except under certain special circumstances, which are outlined below.

(b) **Silver Spring CBD [Policy Area Ceiling] and Clarksburg Policy Areas**

(1) The Silver Spring CBD

The Silver Spring CBD was established as a separate [Group VI] policy area in 1987[, as categorized on Map 5 and Chart 1]. The boundaries of the policy area are shown in the Final Draft [FY 94] FY 95 Annual Growth Policy Ceiling Element.

The job and housing ceilings for this [Group VI] policy area must meet the following administrative guidelines:

- All traffic limitations are derived from the heaviest traffic demand period, in Silver Spring's case, the p.m. peak hour outbound traffic;
- The average level of service for the surrounding Silver Spring/Takoma Park Policy Area [must not be worse than the adopted average standard of D/E,] must not be worse than the adopted roadway level of service standard shown in Table 6, unless the Planning Board determines that the impact of improving the intersection is more burdensome than the increased congestion;
- The outbound traffic, including both local CBD traffic and through traffic, must not exceed the Silver Spring practical cordon capacity of 18,000 vehicles in the peak hour;
- The Planning Board and the Department of Transportation will implement Transportation Systems Management for the Silver Spring CBD; the goal of this program will be to achieve the commuting goals for transit use and auto occupancy rates set out below.

The County Government, through the Silver Spring Parking District, will constrain the amount of public and private long term parking spaces.

The staging ceilings as shown in Tables 1 and 2 meet these administrative guidelines. [The staging ceilings reflect the County Council's directive to the Planning Board to

administratively reduce the jobs ceiling by 1,000 jobs after approval of a revised Silver Triangle preliminary plan.]

As of [April 19, 1993] June 9, 1994, the remaining capacity for jobs is [949] 4,655, of which [250] 122 must be retail jobs in optional method development. As of [April 19, 1993] June 9, 1994, the remaining capacity for housing is [1,183] 4,183. The parking constraints and commuting goals needed to achieve satisfactory traffic conditions with these staging ceilings are as follows:

- **Parking constraint:** A maximum of 17,500 public and private long-term spaces when all nonresidential development is built; (this maximum assumes a peak accumulation factor of .9, which requires verification in Silver Spring and may be subject to revision). Interim long-term parking constraints will be imposed in accordance with the amount of interim development. Long-term public parking spaces will be priced to reflect the market value of constrained parking spaces.
- **Commuting goals:** For employers with 25 or more employees, attain 25 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 46% non-drivers during the peak periods; and

For new nonresidential development, attain 30 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 50% non-drivers during the peak periods.

Progress towards achieving these goals should be measured annually by using scientific and statistically valid survey techniques.

To achieve these goals it will be necessary to require developers of new development in Silver Spring to enter into traffic mitigation agreements and the employers and certain owners to submit transportation mitigation plans as set forth in Chapter 42A, Article II, of the County Code.

Each Annual Growth Policy will reflect the Annual Report of the Silver Spring Transportation Management District, which must include a report of the status of critical signalized intersections (as defined in the report of October 5, 1987). The Annual Growth Policy must include a projection of future traffic conditions based on intersection improvements in the proposed CIP and full achievement of the Transportation Management District goals. The Council will take this

information into account in the decisions on the Growth Policy and the CIP.

In accordance with the amendment to the Silver Spring Sector Plan, subdivision applications for nonresidential standard method projects throughout the CBD may be approved for development or additions of not more than 5,000 square feet of gross floor area. However, if, for a particular use the addition of five peak hour trips yields a floor area greater than 5,000 square feet, that additional area may be approved for that particular use.

(2) Clarksburg Policy Area

~~An applicant for preliminary plan of subdivision approval in the Clarksburg Policy Area need not take any action under Policy Area Transportation Review if the application 1) was accepted as complete before July 15, 1994; 2) is scheduled for action on a Planning Board agenda by January 15, 1995; and 3) is otherwise approvable within the six-month time frame.~~

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(c) Special Ceiling Allocation for Affordable Housing and Health Care Facilities

The County's policy of balancing growth in each policy area with the supply of public facilities may have the effect of undermining other important County policies for the provision of: 1) a balanced and adequate housing supply, with emphasis on the availability of affordable housing for low and moderate income families; and 2) reasonably accessible health care facilities. This subsection provides a limited exception to policy area transportation review requirements to ensure that these policies are not undermined. The Planning Board may approve subdivision applications for affordable housing and health care facilities in any policy area with insufficient remaining capacity, according to the following guidelines:

(i) Affordable Housing

(1) An affordable housing development is defined as a housing development which is either owned by the Housing Opportunities Commission or by a partnership in which HOC is the general partner; or a privately-owned housing development in which 20% of the units are occupied by households at or below 50% of the area median income, adjusted for family size, or 40% of the units are occupied by households at or below 60% of the area median income, adjusted for family size. Such a development must be certified by HOC as having met the definition of affordable housing and the owner of that development must agree with HOC to maintain the occupancy requirements for at least 15

years. These requirements include the provision of any MPDU's.

(2) Except as provided in paragraph (3), in a policy area with insufficient remaining capacity, the Planning Board may approve in each fiscal year not more than:

(a) 125 units for projects owned or controlled by HOC;

(b) 300 units for privately owned affordable housing developments; or

(c) an aggregate of 300 units in a policy area with both HOC owned and controlled developments and privately owned affordable housing developments.

(3) The Planning Board must not approve additional housing units under this allocation in a policy area:

(a) that in the fiscal year listed in the table below has been in a moratorium for new housing subdivision approvals for more than the number of consecutive years listed in the table below and the remaining capacity for the policy area is at least the number of housing units listed in the table below in deficit; and

(b) the Planning Board has cumulatively approved 500 housing units in that policy area under this special ceiling allocation.

**Remaining Capacity Threshold in Housing Units
by Length of Moratorium**

Year	4 years	5 years	6 years	7 years	8 years	9+ years
[FY 94	-2000	-1800	-1800	-1800	-1800	-1800]
FY 95	-2000	-1800	-1600	-1600	-1600	-1600
FY 96	-2000	-1800	-1600	-1400	-1400	-1400
FY 97	-2000	-1800	-1600	-1400	-1200	-1200
FY 98	-2000	-1800	-1600	-1400	-1200	-1000

and beyond

In this chart, fiscal year means the period beginning July 15 and ending July 14 of the following calendar year.

Subject to the housing unit cap under paragraph (2), approvals under this special ceiling allocation may resume if the deficit in remaining capacity in the policy area has been reduced under the number of housing units listed in the table above but only to the extent that transportation capacity has increased (as calculated from the housing unit point listed in the table above) due to a programmed transportation improvement that is either under

construction or is funded for construction in the fiscal year for which the special ceiling allocation is requested from the Planning Board.

If the subdivision moratorium is eliminated in a policy area subject to this paragraph and is later reinstated, the calculation of the number of cumulative housing units approved under this special ceiling allocation starts at zero.

(ii) **Health Care Facilities - General**

(1) "Health care facility" and "medical service" have the meanings defined in Title 19 of the Health - General Article of the Maryland Code. "Health care facility" does, however, include kidney disease treatment facilities. It includes a medical office building and medical or dental clinic, as permitted in the zoning ordinance, provided that no general office space is leased or otherwise made available. It does not include home health care agencies.

(2) Assuming all other requirements for preliminary plan approval are met, and subject to all limitations of this subsection, the Planning Board may grant a special ceiling allocation for a health care facility if:

(a) a State certificate of need has been issued for a health care facility requiring such approval; or

(b) for facilities not requiring a certificate of need, a determination is made under this paragraph that:

(I) a need exists for the proposed health care facility due to an insufficient number of practitioners or facilities providing similar medical services presently available to existing or previously approved concentrations of population within the policy area and that the applicant reasonably can be expected to serve that specific need; and

(II) the needs to be served by the health care facility cannot be reasonably accommodated in existing or previously approved (but unbuilt) general office space within the policy area.

(iii) **Health Care Facilities - Procedures**

(1) Upon receipt of a request for a special ceiling allocation under subparagraph (ii)(2)(b), the Planning Board must refer the request to: (1) the Office of Zoning

and Administrative Hearings with procedural instructions for a hearing on the request, and (2) the Director of the Department of Health for the director's recommendation on the issue of need under subparagraph (ii)(2)(b)(I).

(2) The applicant must voluntarily consent to a deferral of its application before the Planning Board until after completion of proceedings before the hearing examiner. Requests must be considered on a first come, first served basis in the making of the request for the special ceiling allocation. The Director of Health must make its recommendation to the hearing examiner which shall become a part of the hearing record. The hearing examiner must transmit both the record and a recommendation to the Planning Board in accordance with the Board's procedural instructions. The Planning Board may rely on the record before the hearing examiner without need for further testimony. As with other subdivision issues, the applicant has the burden of producing evidence to support its request and the burden of proof on all applicable standards.

(iv) **Health Care Facilities - Findings**

(1) In making a determination of need under subparagraph (ii)(2)(b)(I), the following factors, among other relevant information, should be considered: (1) the recommendation of the Director of the Department of Health; (2) any state or local health plan for the area; (3) the type of medical service and number of practitioners providing the service who are located within the policy area or within a reasonable distance in contiguous policy areas; (4) the business plan of the applicant; (5) occupancy projections, including proposed lease or similar arrangements; and (6) any proposed acquisition or relocation of specialized medical equipment.

(2) In making a determination on the practicality of existing or planned general office space to reasonably accommodate the needs served by the proposed health care facility under subparagraph (ii)(2)(b)(II), the following factors, among other relevant information, must be considered:

(a) the certainty of suitable general office space becoming available within the time frame proposed by the applicant;

(b) the need for special construction (i.e sound proofing, lead lined walls or other facilities or construction not normally provided in general office space), plumbing, electrical (i.e. dedicated lines for

special equipment), or similar requirements for at least a majority of occupants;

(c) if otherwise suitable general office space is in close proximity to or is likely to serve (based on proposed lease or similar arrangements) other health care facilities, medical practitioners, or related services; and

(d) the likelihood that otherwise suitable general office space will be able to satisfy the needs identified under subparagraph (ii)(2)(b)(I), based on the current marketing plans of the owner of the general office space, cost to the practitioner or health care facility, or other market factors.

A negative finding under either item (a), (c), and (d), above, or an affirmative finding under item (b), above, is sufficient to satisfy the standard under subparagraph (ii)(2)(b)(II).

(v) Health Care Facilities - Special Limitations

(1) The Planning Board must not approve a preliminary plan for a medical office building or medical or dental clinic under this paragraph that is expected to produce more than 50 new or additional jobs.

(2) A health care facility must not be granted more than one special allocation under this paragraph.

(3) Not more than 50 jobs may be approved in a policy area, or 100 jobs, in the aggregate county-wide, in each fiscal year.

(4) The applicant must enter into an agreement with the Planning Board to maintain the development as a health care facility for a period of at least 15 years and to undertake appropriate traffic mitigation measures.

(vi) Special Ceiling Allocations - General Requirements

(1) Any development approved under this subsection must meet all zoning requirements and all other subdivision requirements, including standards for local area transportation review.

(2) Development approved under this subsection will be added to the pipeline.

(3) The next final draft annual growth policy must contain a list of all pending or approved development under this subsection.

(d) Ceiling Flexibility for Developer Participation Projects

Staging Ceiling Flexibility allows the Planning Board, after considering the recommendation of the County Executive, to approve a preliminary plan application which exceeds the staging ceiling. In allowing the staging ceiling to be exceeded, caution should be exercised to assure that the average level of service for the relevant policy area is not adversely affected. Except as otherwise expressly stated in this subsection, the same level of service criteria already established in the Annual Growth Policy shall be used in evaluating an application to be approved under these ceiling flexibility provisions.

In general, such approval above the staging ceiling shall be conditioned upon the planned and scheduled construction by either the applicant and/or the government, of some public facility projects, or other appropriate capacity measure, (such as the private operation of a transit program) which, if added to the approved CIP or CTP programmed facilities, will add capacity or its equivalent to the existing facility system and result in no lessening of the area-wide level of service.

In general, the capacity addition must be scheduled for completion at the same time or before the proposed development is to be completed. The application must also be approved under Local Area Transportation Review standards. The nature, design and scale of the additional project or program must receive prior approval from the relevant governmental agencies responsible for constructing or maintaining such facilities or programs. The recommendation of the Executive also will be evaluated carefully.

Both the subdivision plan and the necessary additional facilities must be in accordance with an adopted master plan or other relevant policy statement; the design of the facilities must be subject to mandatory referral to the Planning Board; and the applicant and the relevant public agency must execute an appropriate public works agreement prior to record plat approval.

The phrase "additional transportation facilities" means transportation facilities other than those on which the policy area staging ceilings of the current Annual Growth Policy are based.

(i) Full-Cost Developer Participation

In cases where the applicant agrees to pay for the full cost of all the additional necessary public facilities, and the relevant administering agency has agreed, the Planning Board may approve subdivision plans whose public facility needs exceed the net remaining capacity under the adopted staging ceiling.

Where the applicant commits to provide the full cost of a transit, para-transit or ridesharing program, such application may be deemed to have passed the staging ceiling test, insofar as transportation is concerned, if the Board finds, after reviewing recommendations of the County Executive, that the program will reduce the number of peak-hour, peak-direction automobile trips by as many trips as would be generated by the proposed development. After a preliminary subdivision plan has been approved on this basis, later applications may be credited for reduced trips generated by the new proposal.

(ii) **Partial-Cost Developer Participation**

Partial-cost developer participation is available for certain types of development projects under certain circumstances described below. In cases of proposed partial-cost developer participation, the Planning Board may approve subdivision plans whose public facility needs exceed the net remaining capacity only if the following criteria, standards and requirements set forth in paragraphs (1) and (2) below are met. Related guidance to the Planning Board is set forth in paragraph (5), including provisions relating to approval of, and participation by, other subdivision applicants. Procedures and requirements for executive and legislative action for partial-cost developer participation are contained primarily in paragraphs (3) and (4).

(1) **Eligible Project Criteria**

- (a) The project has a development staging plan beyond 4 years and enables the consolidation or expansion of an employer already located in the County or allows the establishment of facilities for a new employer. Employer facilities must be primarily for specific and defined employment needs of the employer and not for the sale or leasing of speculative office, industrial or retail commercial space. The employer's business plan, purchase or lease arrangements, staging plan, occupancy projections, and other relevant factors should be considered to determine the primary purpose of the proposed facilities;
- (b) The project has a development staging plan extending beyond 4 years and enables planned development of superior and integrated design and/or transit serviceability in zoning categories that expressly allow partial-cost developer participation as designated by the District Council;
- (c) The project is to be located in the Research and Development Village, including the County-owned Life

Sciences Center, as identified in the approved and adopted Master Plan; or

- (d) The project is to be located in the Germantown Town Center, as identified in the approved and adopted Germantown Comprehensive Master Plan.

(2) Public-Private Participation Requirements

- (a) Additional transportation facilities proposed to serve an eligible project must be sufficient, when combined with net remaining capacity, to provide policy area capacity for both the eligible project and other completed subdivision applications that have been filed earlier than that of the eligible project within the policy area.
- (b) The applicant for the eligible project agrees to condition subdivision approval on a staging schedule which will link the issuance of specific building permits receivable in each staging period to the execution of specific transportation construction contracts in the same staging period.
- (c) The applicant for the eligible project must construct or agree to pay all costs for all additional transportation facilities other than those facilities currently included for start of construction within the first six years of the adopted CIP or within the State Consolidated Transportation Program (CTP).
- (d) The applicant for the eligible project agrees to contribute transportation facilities and/or cash in a minimum amount of the greater of the following:
1. A total of 35% of the cost of all additional transportation facilities, with the cost determined as of the date of execution of the construction contract; or
 2. A contribution of 100% of the costs of all additional transportation facilities other than those facilities currently included for start of construction within the first six years of the adopted CIP or within the adopted CTP; such costs are to be determined as of the date of execution of the construction contract for that transportation facility; or
 3. Impact taxes, if applicable, at the date of issuance of building permit.

- (e) All applicants with residential components agree to be subject to special conditions with regard to school capacity, as described in Section B, Guidelines for Public School Facilities, below.
- (f) The applicant for an eligible project must execute a memorandum of understanding with the County Executive prior to Council action under paragraph (4)(b) specifying the private sector commitments under this paragraph. A separate participating subdivision applicant may also execute the memorandum of understanding. An applicant must agree in the memorandum of understanding that the public improvement agreement be made a condition of subdivision approval.

- (3) Procedures and Action - Executive

All formal requests for staging ceiling flexibility under this provision must be made in writing to the County Executive after the applicant has filed a complete subdivision application with the Planning Board. The County Executive must review the request and determine whether or not to recommend authorizing legislation and/or a CIP amendment. The following items, among other relevant factors, should be considered:

- (a) whether the proposed subdivision plan constitutes an eligible project and otherwise meets all requirements of this subsection;
- (b) whether the proposed additional transportation facilities are consistent with the Executive's transportation program in terms of timing, location, design and cost;
- (c) the effect of the proposal on County operating budget or capital programs;
- (d) the financial and managerial capability of the applicant to undertake all requirements of this subsection utilizing current estimates of rights-of-way, design, and construction costs, adjusted for inflation to the date expected for their payment;
- (e) the existence of unresolved transportation programming, fiscal, or other policy issues.

On not less than a quarterly basis, the County Executive must transmit to the Council and Planning Board all written requests for partial cost developer participation that were not recommended and a brief description of the reason. The Council may request the

County Executive to reevaluate a request, provide greater detail, or initiate appropriate budgetary or legislative action.

(4) Procedures and Action - County Council

(a) All proposed CIP amendments and requests for legislative special capital improvement project authorizations must be considered by the Council in accordance with all applicable fiscal and legislative procedures. In addition to any other information required to be submitted under law, the County Executive should submit to the Council information describing:

1. the eligible project for which the facilities are necessary;
2. the proposed staging schedule for both the facilities and the project;
3. public facility programming issues;
4. the impact on the County's finances including the affordability of the proposed public facility program; and
5. a memorandum of understanding specifying, among other things, the private sector commitments under paragraph (2) above.

Before Council action, the Planning Board should comment on the public facility issues presented by the special capital improvement project legislation or CIP designation, the relationship between the additional transportation facilities and the proposed staging schedule, the effect on policy area ceilings, and any other relevant matters, as appropriate.

(b) For additional transportation facilities required under paragraph (2)(a), above, to be available for partial-cost developer participation under this subsection, the County Council must:

1. enact all authorizing legislation or resolutions that would be required under law for the facility; and
2. designate the additional transportation facilities in the CIP, as appropriate for partial cost

developer participation or as being fully funded by the private sector.

Transportation facility projects remain subject to all necessary applicable appropriations and federal, state and local regulatory or other approvals.

- (c) Subsequent to any favorable County Council action, the County Executive, or designee, must execute a detailed public improvement agreement that formalizes the memorandum of understanding. The County Executive must periodically report to the Council on the status of public improvement agreements under this subsection and notify the Council of any material changes in circumstances affecting its legislative actions under the partial-cost developer participation provisions.

(5) Planning Board Action; Other Subdivision Applicant Participation

- (a) In its determination of whether transportation facilities are adequate to meet the needs of an eligible project, the Planning Board may count those facilities that have received favorable Council action under paragraph (4)(b), above, for both policy area ceilings and local area transportation review, without the need for those facilities to be shown in the Approved Road Program.
- (b) The Planning Board may similarly count these facilities and approve a subdivision plan with a completed application filing date that is earlier than that of the application of an eligible project if the applicant agrees to participate in the provision of additional transportation facilities, on a proportional trip generation or other agreed cost basis, and in accordance with the staging and public school requirements set forth in paragraph (2)(b) and (e), above. A public improvement agreement may include all participating subdivision applicants.
- (c) A non-participating applicant with an earlier application filing date than the eligible project may have its application approved within the same general time period as the eligible project if it meets normal local area transportation review requirements; however, it must be conditioned so that building permits will be approved only when building permits for the eligible project or participating subdivisions are eligible for approval. A non-participating applicant remains

subject to all local transportation area review and other regulatory requirements.

(iii) **Miscellaneous Provisions**

Further staging ceiling flexibility is not available in the Silver Spring CBD because traffic mitigation measures of the Transportation Management District have been relied upon to establish the ceilings for the Group VI Policy Area in Silver Spring. ✓

(e) **Ceiling Flexibility - De Minimis Impacts**

The approval of preliminary plans which add only a few vehicle trips will be considered on a case-by-case basis by the Planning Board. In general, in policy areas with no ceiling balance (i.e., no remaining capacity), all land at one location for which zoning or other constraints permit no more than ten trips in total may receive approval of up to five trips. Non-residential plans submitted for the purpose of expanding structures which were completed prior to 1982, or which otherwise request additional development on land that was partially developed prior to 1982, may receive approval for additional development which adds no more than five trips. The term, "all land at one location," means all land that would be included in a determination of whether a project is a "significantly sized project" under the Planning Board's adopted guidelines for Local Area Transportation Review.

(f) **Amendment of Policy Ceilings**

From time to time, these staging ceilings may be amended by the Montgomery County Council, after public hearing, to reflect changing conditions such as additions to the Capital Improvements Program or the State's Consolidated Transportation Program, changing patterns of public facility usage, revised levels of public service, and other relevant criteria.

Policy area ceilings may also be amended by the County Council to resolve public policy conflicts and to accomplish a particular public policy objective.

(g) **Allocation of Staging Ceiling to Preliminary Plans of Subdivision**

The Planning Board allocates available staging ceiling capacity in a policy area based on the queue date of an application for preliminary plan of subdivision approval.

(i) Assignment of queue date

The queue date of a preliminary plan of subdivision is the date:

- (1) a complete application is filed with the Planning Board;
- (2) a traffic study is filed, if required to obtain a new queue date under paragraph (iv)(2); or
- (3) 6 months after the prior queue date if the prior queue date expires under subparagraph (iii)(1)(a) and the application does not require a traffic study.

(ii) Calculation of available staging ceiling capacity

The Planning Board determines whether there is adequate staging ceiling capacity available for a project by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 2 as updated periodically. Based on this calculation, the Planning Board may:

- (1) approve a project for which there is sufficient capacity;
- (2) approve part of a project for which there is sufficient capacity, leaving the remainder of the project in the queue until additional capacity becomes available;
- (3) deny an application for a project for which there is insufficient capacity; or
- (4) defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. In situations where there is insufficient capacity, staff must not schedule a hearing on the application unless the applicant requests one.

If there is sufficient capacity for a project based on the queue date, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the queue date is in effect.

(iii) Expiration of queue date

- (1) A queue date for an application for preliminary plan of subdivision approval expires:
 - (a) 6 months after the queue date if there was sufficient staging ceiling capacity for the entire project on the queue date and the Planning Board has not approved the application or granted an extension of the queue date (see paragraph 2 below);
 - (b) 6 months after sufficient capacity becomes available for the entire project if a traffic study is not required under paragraph (iv)(1);
 - (c) 6 months after a traffic study is filed if required under paragraph (iv)(1); or
 - (d) on the applicant's failure to request background data, to submit a traffic study, or to submit a complete updated traffic study after notice that a study is incomplete, all within the time limits in subsection (iv).
- (2) The Planning Board may grant one or more 6-month extensions of a queue date if the applicant demonstrates that a queue date expired or will expire because of governmental delay beyond the applicant's control. The Planning Department may grant one 6-month extension of a queue date for Health Department approval of individual sewage disposal or wells. Any additional queue date extensions for Health Department approval may only be granted by the Planning Board.

(iv) Traffic studies

- (1) Required when sufficient capacity becomes available.

The queue date of an application for which there is not sufficient staging ceiling capacity when the complete application is filed will expire when sufficient capacity becomes available, unless the applicant:

- (a) requests background data from the Planning Board to prepare a traffic study within 1 month after capacity becomes available; and

(b) submits a traffic study within 1 month after receiving the background data. However, if the Planning Board provides the background data between June 1 and September 15, the study must be submitted by October 15.

(2) Required to obtain a new queue date after expiration

If the queue date of an application which includes a traffic study expires, an updated traffic study must be filed to obtain a new queue date.

(3) Notice of incomplete traffic study

The Planning Board must notify an applicant within 15 days after a traffic study is filed if the study is incomplete. An applicant must file a complete traffic study within 30 days of receipt of the notice that a study is incomplete.

(v) Special Ceiling Allocation for Affordable Housing

If an application for a preliminary plan approval that uses the special ceiling allocation for affordable housing is denied by the Planning Board after July 1, 1992, the applicant retains its original queue date and is subject to all other applicable provisions of this subsection.

(2) Local Area Transportation Review (LATR)

(a) Establishment of Local Area Transportation Review Standards

The [traffic simulation] transportation planning model used for Policy Area Review addresses the average level of traffic in the policy area. If this were the only test, an area with acceptable average level of service could have one or more intersections, or roadway links, with unacceptably poor levels of service. It is necessary, therefore, that a local area test be applied to assure that new development is not allowed to cause such congestion.

To achieve an approximately equivalent transportation level of service in all areas of the County, greater congestion is permitted in policy areas with greater transit accessibility and usage. Table 7 shows the intersection level of service standards by policy area. Local Area Transportation Review shall, at all times, be consistent with the standards and staging mechanisms of adopted master plans and sector plans.

Local Area Transportation Review must be undertaken for subdivisions which would generate 50 or more peak hour automobile trips in either of the following circumstances:

- For the policy area, total approved development is within 5 percent of the policy area ceiling; or
- For the local area, the proposed development is located near a congested area.

In administering the Local Area Transportation Review (LATR), the Planning Board must not approve a subdivision if it finds that an unacceptable peak hour level of service will result after taking into account existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. If the subdivision will affect an intersection, or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if it does not make the situation worse.

[In the Metro station policy areas of Grosvenor, Twinbrook, White Flint, Silver Spring CBD, and Wheaton CBD, a peak hour level of service worse than a Critical Lane Volume of 1,800 is unacceptable for Local Area Transportation Review. In all other Group II to V policy areas, a peak hour level of service worse than a Critical Lane Volume of 1,525 is unacceptable for Local Area Transportation Review. In Group I areas, level of service worse than a Critical Lane Volume of 1,450 is unacceptable for Local Area Transportation Review.]

The nature of the LATR test is such that a traffic study is necessary if local congestion is likely to occur. The Planning Board and staff will examine the applicant's traffic study to determine whether adjustments are necessary to assure that the traffic study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision after taking into account all approved development and programmed transportation projects.

For Local Area Transportation Review purposes, the programmed transportation projects to be considered are those included in the most recent edition of the County Executive's Approved Road Program (ARP). The Approved Road Program shall include only roads programmed in the current approved Capital Improvements Program and the Maryland Consolidated Transportation Program for which:

- (1) The County Executive has determined that construction will begin within two years of the effective date of the approved road program; and
- (2) In the case of the County CIP, 100 percent of the expenditure for contracts, have been appropriated.

For these purposes, roads required under Section 302 of the Charter to be authorized by law are not to be considered programmed until

the time for petition to referendum has expired without a valid petition, or the authorizing law has been approved by referendum.

If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant will be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than five Critical Lane Movements.

The Planning Board has adopted guidelines for the administration of Local Area Transportation Review. To the extent that they are consistent with these legislative guidelines, the Planning Board guidelines may continue to apply or to be amended as the Planning Board deems it necessary to do so.

After consultation with the Council, the Planning Board may adopt administrative guidelines that allow use of a "delay" or queuing analysis, different critical lane volume standards, or other methodologies, to determine the level of congestion in appropriate geographic locations such as in urbanized areas, around Metrorail stations, or in specific confined areas planned for concentrated development related to other forms of transit.

In its administration of Local Area Transportation Review, the Planning Board shall give careful consideration to the recommendations of the County Executive concerning the applicant's traffic study and proposed improvements or any other aspect of the review.

To achieve safe and convenient pedestrian travel, the Planning Board may adopt administrative guidelines requiring construction of off-site sidewalk improvements consistent with Section 50-25 of the County Code. To maintain an approximately equivalent transportation level of service at the local level considering both auto and non-auto modes of travel, the Planning Board may permit a reduction in the amount of roadway construction or traffic mitigation needed to satisfy the conditions of Local Area Transportation Review in exchange for the construction of non-automobile transportation amenities, such as sidewalks and bus shelters.

(b) Silver Spring CBD LATR Standards

In the area designated as the Silver Spring CBD Policy Area, the Planning Board, in consultation with the Department of Transportation, will prepare performance evaluation criteria for its Local Area Transportation Review. These criteria will be used to accomplish: (a) safety for pedestrians and vehicles; (b) access to buildings and sites; and (c) traffic flow within the vicinity, at levels which are tolerable in an urban situation. The County Executive will publish a Silver Spring Traffic Management Program

after receiving public comment and a recommendation from the Planning Board. This program will list those actions to be taken by government to maintain traffic flow at tolerable levels in the Silver Spring CBD, and protect the surrounding residential area.

(c) Potomac LATR Standards

In the Potomac Policy Area, only the areas contributing traffic to the following intersections will be subject to Local Area Transportation Review: (a) Montrose Road at Seven Locks Road; (b) Democracy Boulevard at Seven Locks Road; (c) Tuckerman Lane at Seven Locks Road; (d) Democracy Boulevard at Westlake Drive; (e) Westlake Drive at Westlake Terrace; (f) Westlake Drive at Tuckerman Lane; and (g) Bradley Boulevard at Seven Locks Road.

(d) Friendship Heights LATR Standards

Until a new sector plan is approved by the County Council, for analysis of properties located within the Friendship Heights Central Business District (as defined by the 1974 Friendship Heights Sector Plan) that have had preliminary plans of subdivision approved before July 1, 1993, any traffic trips from approved and/or built projects on certain properties in the District of Columbia which exceed the total of 2,329 new trips allocated to those same properties in the District of Columbia pursuant and subject to the August 30, 1973 statement of the Inter-Jurisdictional Policy Task Force on Friendship Heights (as set forth in Appendix "E" and referred to on pages 39-41 of the 1974 Friendship Heights Sector Plan), shall not be used in making a determination that local intersections are operating at adequate levels of service.

[Approved guidelines for administration of the Local Area Review Transportation Improvement (LARTI) program are attached to this Resolution as Appendix I. The program is funded to the extent authorized under an approved Capital Improvement Program project description form. Chapter 11B (Contracts, Procurement Matter, etc.) of the County Code may not be construed to apply to the use of funds under the LARTI program. This program is a pilot program and not intended to permanently substitute public funds for transportation improvements offered by a developer in exchange for approvals.]

(3) Alternative Review Procedures

(a) Metro Station Policy Areas

An applicant for a subdivision which will be built completely within the Wheaton CBD, Grosvenor, White Flint, or Twinbrook Metro station policy areas need not submit any application or take any action under (2) Local Area Transportation Review (LATR) if the applicant agrees in a contract with the Planning Board and the County Department of Transportation to:

- (1) make its best efforts to meet mode share goals established by the Planning Board as a condition of approving that subdivision;
- (2) participate in programs operated by, and take actions specified by, a transportation management organization (TMO) to be established by County law for that policy area (or a group of policy areas including that policy area) in order to meet the mode share goals established under paragraph (1);
- (3) pay an ongoing annual contribution or tax to fund the TMO's operating expenses, including minor capital items such as busses, as established by County law; and
- (4) pay a development approval payment (DAP), to be established by County law, over a multi-year period starting when the building permit is issued and indexed to reflect inflation in construction costs.

The Planning Board must conduct a comprehensive Local Area Transportation Review for each policy area in which it approves a subdivision under this procedure and should specify for inclusion in the Capital Improvements Program any transportation improvements needed to support that subdivision.

(b) Limited residential development

In fiscal years 1994, 1995, and 1996, an applicant for a residential subdivision need not take any action under (1) Policy Area Transportation Review or (2) Local Area Transportation Review (LATR) if the applicant pays to the County a development approval payment (DAP), to be established by County law, before the building permit is issued. However, the applicant must include in its application for preliminary plan approval all information that would be necessary if the requirements for Local Area Transportation Review applied.

This procedure may also be used, if the applicant reapplies for subdivision approval, for any residential subdivision with a preliminary plan of subdivision approved by the Planning Board before July 1, 1993. However, this procedure does not apply to a

subdivision which has had a preliminary plan of subdivision approved by the Planning Board under the Special Ceiling Allocation for Affordable Housing, unless the subdivision is located in a large lot zone where Moderately Priced Dwelling Units (MPDU's) are not required.

The use of this procedure is subject to the following conditions:

(1) The procedure must not be used in any part of the County which is [not] located in a [policy] rural area as defined in this Resolution.

(2) The procedure must not be used in any policy area which is exempt from the Special Ceiling Allocation for Affordable Housing or would be exempt from that Allocation if the Planning Board had approved at least 500 housing units in that policy area under that Allocation.

(3) Under this procedure, the Board must not approve:

(A) more than 100 units at any one location under common ownership and control, as defined in the Planning Board's LATR Guidelines; and

(B) more than 300 units in any policy area in each fiscal year.

(4) Any applicant for a subdivision approval under this procedure must agree, as part of the application, that it will build the same number of Moderately Priced Dwelling Units (MPDU's) among the first 100 units that it would be required to construct at that location if the subdivision consisted only of 100 units, or a pro rata lower number of MPDU's if the subdivision will include fewer than 100 units.

(5) Any applicant for a subdivision approval under this procedure must agree, as part of the application, that it will not begin to construct any residential unit approved in the application later than 3 years after the plat is recorded or the site plan is approved (whichever occurs later).

The Planning Board must report in the Final Draft AGP each year on the number of housing units approved and built under this procedure and should specify for inclusion in the Capital Improvements Program any transportation improvements needed to support those units.

B. Guidelines for Public School Facilities**(1) Geographic Area**

For the purposes of public school analysis and local area review of school facilities at time of subdivision, the County has been divided into 21 areas called high school clusters as shown in Map 6. These areas coincide exactly with the cluster boundaries used by the Montgomery County Public School system.

The Council evaluates available capacity in each high school cluster and compared enrollment projected by Montgomery County Public Schools for each fiscal year with projected school capacity four years out.

If insufficient capacity is available, the Council determines whether an adjacent cluster or clusters has sufficient capacity to cover the projected deficit in school capacity. The Council's groupings are only for the administration of the Adequate Public Facilities Ordinance and are not in any way a required action by the Board of Education in exercising its power to designate school service boundaries.

(2) School Capacity Measure

The Council uses 110 percent of Council funded program capacity as the school capacity measure in the administration of the Adequate Public Facilities Ordinance. This capacity measure does not count relocatable classrooms in computing a school's permanent capacity.

Based on the approved [FY 94-99] FY 95-00 CIP, the Council funded regular program capacity is a class size of 25 for grades 1-6, 44 for half day kindergarten where it is currently provided, 22 for all day kindergarten where it is currently provided, and an effective class size of 22.5 for secondary grades.

(3) Grade Levels

Each of the three grade level clusters, namely elementary, intermediate/middle school, and high school are assessed separately as part of the Annual Growth Policy.

(4) Determination of Adequacy

Using the approach outlined above, and assuming the approved [FY 94-99] FY 95-00 CIP, the Council declares school capacity for school year [1997] 1998 to be adequate for anticipated growth during [FY 94] FY 95 in all high school clusters at all grade levels. Tables 3, 4, and 5 present the results of this analysis.

The Planning Board, in its review of preliminary plans of subdivision in [FY 94] FY 95, shall consider schools to be adequate for APFO purposes in all clusters.

(5) Affordable Housing

Because school capacity is determined to be adequate under paragraph (4) of this subsection, the Special Ceiling Allocation for Affordable Housing may be invoked only with respect to transportation ceilings. The need for such a special ceiling allocation with respect to school capacity will be considered at such time that capacity is determined to be inadequate in a particular cluster.

(6) Ceiling Flexibility for Partial Cost Developer Participation

When a subdivision with a residential component is approved for transportation capacity under the provisions of the Partial Cost Developer Participation subsection, the Planning Board may approve the subdivision for school facility adequacy if: (a) the subdivision is located in a school cluster area that has been designated as adequate for school capacity; and (b) the applicant agrees to condition his subdivision approval on a staging schedule, which will require the applicant to receive a subsequent APF approval for school capacity for all of the housing units that are scheduled in his staging plan to receive building permits after the end of the four year period used in calculating school capacity in this Annual Growth Policy. This does not imply any obligation on the part of the Council to provide public school facilities in accordance with any staging plan and the applicant may provide private resources for school sites and/or school construction in order to assure adequate school capacity.

C. Guidelines for Water and Sewerage Facilities

In accordance with the language of the Adequate Public Facilities Ordinance itself, both for policy areas with a staging ceiling and in those without one, applications shall be considered adequately served by water and sewerage if the subdivision is located in an area in which water and sewer service is presently available, is under construction, or is designated by the County Council for extension of service within the first two years of a current approved Comprehensive Water Supply and Sewerage Systems Plan (i.e., categories I, II, and III) or if the applicant either provides a community water and/or sewerage system or meets health department requirements for septic and/or well systems, as outlined in the Adequate Public Facilities Ordinance. These requirements are determined either by reference to the Water and Sewerage Plan, adopted by the Council, or by obtaining a satisfactory percolation test from the County Health Department.

Applications will only be accepted for further planning staff and Board consideration if they present evidence of meeting the appropriate requirements.

D. Guidelines for Police, Fire and Health Services

The Planning Board and staff shall consider the programmed services to be adequate for facilities such as police stations, firehouses, and health

clinics unless there is evidence to believe that a local area problem will be generated. Such a problem is one which cannot be overcome within the context of the approved Capital Improvements Program and Operating Budgets of the relevant agencies. Where such evidence exists, either through agency response to the Subdivision Review committee clearinghouse, or through public commentary or planning staff consideration, a Local Area Review shall be undertaken. Such review shall seek a written opinion from the relevant agency, and will require, if necessary, additional data from the applicant, to facilitate the completion of the planning staff recommendation within the statutory time frame for Planning Board action. In performing this Local Area Review, the facility capacity at the end of the sixth year of the approved CIP shall be compared to the demand generated by the "most probable" forecast for the same year prepared by the Montgomery County Planning Department.

E. Guidelines for Resubdivisions

Applications to amend a previously approved preliminary plan of subdivision shall not require a new test for adequacy of public facilities in the following instances:

- Revisions to a preliminary plan which has not been recorded, if the preliminary plan has not expired and the number of trips which will be produced by the revised plan is not greater than the number of trips produced by the original plan.
- Resubdivision of a recorded lot involving the sale or exchange of parcels of land (not to exceed a total of 2,000 square feet or one percent of the combined area, whichever is greater) between owners of adjoining properties to make small adjustments in boundaries.
- Resubdivision of a recorded lot involving more than 2,000 square feet or one percent of the lot area if less than three years have passed since preliminary plan approval; or, if construction has begun on any portion of the preliminary plan, less than five years have passed since preliminary plan approval; or, if construction of an APF related road improvement required as a condition of the original preliminary plan is proceeding as scheduled, less than 10 years have passed since preliminary plan approval. In each case, the number of trips which will be produced by the revised plan must not be greater than the number of trips produced by the original plan.

II. Timely Adequate Public Facilities Determination and Local Area Transportation Review under Chapter 8 - Buildings.

- A. General.** Except as otherwise provided by law, an adequate public facilities determination or local area transportation review conducted under Article IV of Chapter 8 must use the standards and criteria applicable under Section I. of this Resolution when evaluating the adequacy of public facilities to serve the proposed development.

B. **Traffic Mitigation Goals.** Any proposed development that is subject to requirements for a traffic mitigation agreement under Article IV of Chapter 8 and Chapter 42A-9A of the County Code must meet the traffic mitigation goals specified in paragraphs (1) or (4), as appropriate.

(1) Subject to paragraph (2), the portion of peak-period nondriver trips by employees of a proposed development must be at least the following percentage greater than the prevailing nondriver mode share of comparable nearby land use:

- [(a) Group V Policy Areas: 100%
- (b) Group IV Policy Areas: 80%
- (c) Group III Policy Areas: 60%
- (d) Group II Policy Areas: 40%]

<u>In Policy Areas With LATR CLV Standard of</u>	<u>Required Percentage Greater Than Prevailing Nondriver Mode Share</u>
<u>1800 and 1650</u>	<u>100%</u>
<u>1600</u>	<u>80%</u>
<u>1550</u>	<u>60%</u>
<u>1500 and 1525</u>	<u>40%</u>

LATR CLV standards for each policy area are shown on Table 7.

- (2) The portion of peak-period nondriver trips by employees calculated under paragraph (1) must not be less than 15% nor higher than 55%.
- (3) The applicant for a proposed development in a policy area specified under paragraph (1) is responsible for: reviewing existing studies of nondriver mode share; conducting new studies, as necessary, of nondriver mode share; and identifying the prevailing base nondriver mode share of comparable land uses within the area identified for the traffic study. Comparable land uses are improved sites within the area identified for the traffic study for the proposed development that have similar existing land use and trip generation characteristics. As with other aspects of the traffic study required by Article IV of Chapter 8 of the Code, selection of the comparable studies and land uses to be analyzed and determination of the prevailing base nondriver mode share are subject to review by the Planning Department [of the Planning Board] and approval by the Department of Transportation.
- (4) Proposed development in the Silver Spring CBD must meet the commuting goals specified under Section I(A)(1)(b) of this Annual Growth Policy.
- (5) In accordance with Section 42A-9A of the Code, the applicant must enter into an agreement with the Director of the Department of Transportation prior to issuance of a building permit. The agreement may provide for a schedule for full compliance with the

traffic mitigation goals. It must provide appropriate enforcement mechanisms for compliance.

- (6) As provided by law, these goals supersede traffic mitigation goals established under Section 42A-9A (a)(4) of the Code.

[III. Process for Amending Annual Growth Policy

County Code Section 33A-15(g)(4) provides that "The County Council may adopt a subsequent resolution, after public hearing, to amend the annual growth policy." The amendment process should be reserved for situations in which a need arises to resolve broad policy issues without waiting for the annual cycle of revision. In such cases, the process should follow a format similar to the one provided for the annual revision process under Section 33A-15, consisting of the following steps:

- (1) A request for amendment may be made in writing to the Planning Board.
- (2) The Planning Board may, in response to a request or on its own initiative, prepare an amendment. The amendment must be accompanied by a statement of the severity of the problem addressed, the nature of the conflict in public policies which is involved, and approaches for resolving the conflict, including any specific recommendations. If the Council or Executive requests an amendment which the Planning Board does not support, the Board must prepare a draft which complies with the original request, in addition to its own recommendations.
- (3) The Planning Board's amendment must be submitted to the County Executive, who may propose revisions in the form of specific additions or deletions, and who must then submit a recommendation on the amendment to the County Council.
- (4) After a public hearing, the County Council may approve, approve with revisions, or disapprove the proposed amendment.
- (5) The Planning Board's amendment must be forwarded to the County Executive not more than forty-five days after the Board receives a written request from the Executive or Council. The Executive's recommendation must be forwarded to the Council not more than thirty days after receipt of the Planning Board's amendment. The Council should act on the amendment not more than 45 days after the public hearing record closes.]

[IV.] III. Issues to be Addressed [During Next Fiscal Year] in the Future

In adopting the [FY 94] FY 95 Annual Growth Policy, the Council recognizes that not all aspects of a comprehensive approach to growth policy can be addressed within one year. To ensure that the policy making process continues to be developed and refined, the following matters are to be addressed by the Planning Board, Board of Education, and the County Executive during the next fiscal year or in the next (FY 96) AGP Policy Element for presentation to, and decision by, the County Council:

- 1. Adequacy of Transportation Facilities - Methodology** - The Planning Board should take the lead, with the aid of the Executive, in re-evaluating:
 - a) how or whether the level of service on freeways should be included in the calculation of staging ceilings;
 - b) the desirability of changing the level of service standard for Policy Area Transportation Review to be more sensitive to ridesharing, transit, and non-motorized transportation alternatives to the automobile; and
 - c) the Critical Lane Volume standards for Local Area Transportation Review, including the effect of varying the standard according to the extent to which ridesharing, transit, and non-motorized transportation alternatives to the automobile are present.
- 2. Adequacy of Public School Facilities - Ceiling Flexibility** - The staffs of the Board of Education, the County Executive, the Planning Board and the Council will continue to evaluate options for a potential ceiling flexibility provision in the APFO school test. The staff group will report its options and findings to the Education Committee. If sufficient staff consensus exists on an option, it would appear in the Staff Draft of the next Annual Growth Policy in order to solicit general comment.
- 3. AGP Process Changes** - The Council will review the Planning Board consultant's report recommending changes to the Annual Growth Policy process, including whether to codify the major components of the Annual Growth Policy in a legislative framework, to allow technical procedures to be formulated as administrative rules, to review annual staging ceilings primarily for conformance with ordinance and technical requirements, and to schedule major policy reviews (those that change the legislative framework) at longer intervals.

4. Clarksburg Policy Area - The Planning Board, with the aid of the Executive, should conduct the appropriate analyses necessary to allow the creation of a Clarksburg policy area.
5. Shady Grove Policy Area - The Planning Board, with the aid of the Executive, should conduct the appropriate analyses necessary to allow the creation of a policy area in the Shady Grove Metrorail Station area, including the delineation of the policy area and the timing of its creation.
6. Ceiling Flexibility - Partial-Cost Developer Participation - The Planning Board should examine the utility of continuing this provision in the Annual Growth Policy.
7. Extension of Metro Area Alternative Review Procedure - The Planning Board should evaluate the possible application of the Alternative Review Procedure for Metro Station Policy Areas to other policy areas.
8. Special Ceiling Allocation for Health Care Facilities - The Planning Board should examine the utility of continuing this provision in the Annual Growth Policy.]

1. During Fiscal Year 1995:

(a) AGP Process Changes - Council staff must prepare legislation to implement the Council's decision to codify major elements of the AGP in a legislative framework, allowing technical procedures to be formulated as administrative rules.

(b) Pipeline Reform - The Planning Board, with the aid of the Executive, must develop guidelines for (1) determining the time limits for findings of public facilities adequacy, and (2) permitting the transfer of staging ceiling among projects in the same policy area. During the FY 94 AGP worksessions, the Council concurred with the Planning Board's recommendation that the time limits of a finding of adequate public facilities, currently 12 years for all development types, more closely reflect the size and type of development approved. The Council also concurred with the Board's recommendation that the County permit the transfer of adequate public facilities approval from one project to another.

(c) Dev. District

2. For the FY96 AGP Policy Element

(a) Adequacy of Public School Facilities - Ceiling Flexibility - The staffs of the Board of Education, the Executive, the Planning Board and the Council must continue to evaluate options for a potential ceiling flexibility provision in the APFO school test. The staff group must report its options and findings to the Council's Education Committee. If sufficient

staff consensus exists on an option, Planning staff must include it in the Staff Draft of the next Annual Growth Policy to solicit public comment.

- (b) Shady Grove Policy Area - The Planning Board, with the aid of the Executive, must conduct appropriate analyses to allow the creation of a policy area in the Shady Grove Metrorail Station area, including the delineation of the policy area and the timing of its creation.
- (c) Ceiling Flexibility - Partial-Cost Developer Participation - The Planning Board should examine the utility of retaining this provision in the Annual Growth Policy.
- (d) Extension of Metro Area Alternative Review Procedure - The Planning Board should evaluate the possible application of the Alternative Review Procedure for Metro Station Policy Areas to other policy areas.
- (e) Special Ceiling Allocation for Health Care Facilities - The Planning Board should examine the utility of retaining this provision in the Annual Growth Policy.
- (f) Ceiling Flexibility - De Minimis Impacts - The Planning Board, with the aid of the Executive, must review the de minimis impacts provisions of Policy Area Transportation Review and Local Area Transportation Review, including issues related to outlots and consideration of pro rata contributions toward transportation infrastructure.
- (g) Glenmont Policy Area - The Planning Board, with the aid of the Executive, must conduct appropriate analyses to allow the creation of a policy area in the Glenmont Metrorail Station area, including the delineation of the policy area and the timing of its creation.

(h) Clarendon Policy Area

Specific scheduling of items to be undertaken by the Planning Board under this Section may be addressed or changed at the [quarterly report] regular work program meetings with the County Council.

(i) Monitoring & Evaluating Variable LAIR

This is a correct copy of Council action.

Kathleen Freedman, CMC
Secretary of the Council

Table 1
HOUSING
Transportation Staging Ceiling Capacity Using
FY 95 Transportation Ceilings
January 1, 1993 Base

Policy Area	FY 95 Net Housing Ceiling	Pipeline 6/9/94	FY 95 Net Remaining Capacity
Aspen Hill	(4,155)	2,439	(6,594)
Bethesda CBD	3,423	223	3,200
Bethesda/Chevy Chase	7,865	861	7,004
Clarksburg	62	62	0
Cloverly	319	207	112
Damascus	(767)	389	(1,156)
Derwood/Shady Grove	1,474	95	1,379
Fairland/White Oak	(2,951)	1,293	(4,244)
Gaithersburg City	1,844	1,900	(56)
Germantown East	4,030	3,966	64
Germantown Town Center	1,902	138	1,764
Germantown West	7,073	4,663	2,410
Grosvenor	1,400	0	1,400
Kensington/Wheaton	2,449	633	1,816
Montgomery Village/Airpark	(3,466)	1,703	(5,169)
North Bethesda	2,109	358	1,751
North Potomac	310	1,329	(1,019)
Olney	2,068	2,223	(165)
Potomac	2,873	1,422	1,451
R & D Village	5,380	1,765	3,615
Rockville City	1,015	714	301
Silver Spring CBD	6,125	1,987	4,138
Silver Spring/Takoma Park	2,529	278	2,251
Twinbrook	300	0	300
Wheaton CBD	1,524	15	1,509
White Flint	1,700	751	949
Total:	57,774	29,414	35,414

Notes

Clarksburg

Rural policy areas (Goshen, Travilah/Darnestown, Rock Creek, Poolesville, and Patuxent) are not assigned staging ceilings. In these areas, subdivision applications are subject to Local Area Transportation Review as well as to relevant zoning and water and sewer constraints.

The ceilings indicate the amount of additional development that can be supported with transportation capacity available from the first four years of the FY95-2000 CIP or the FY94-99 State CTP. Negative numbers indicate the amount by which the estimated level of development exceeds the ceiling. The estimated base level of housing is shown in the FY95 Final Draft AGP.

Although the ceilings are shown for all policy areas, development in Potomac is controlled by the zoning and water and sewer constraints. Development in the Silver Spring CBD is also controlled by the limits established by the Silver Spring Sector Plan.

For all totals, negative numbers are treated as zero. The total net remaining capacity, then, is the total amount of capacity available for new residential subdivision approvals.

Table 2
JOBS
Transportation Staging Ceiling Capacity Using
FY 95 Transportation Ceilings
January 1, 1993 Base

Policy Area	FY 95 Net Jobs Ceiling	Pipeline 6/9/94	FY 95 Net Remaining Capacity
Aspen Hill	153	14	139
Bethesda CBD	6,984	1,679	5,305
Bethesda/Chevy Chase	5,847	2,638	3,209
Clarksburg	3,999	3,999	0
Cloverly	345	30	315
Damascus	243	213	30
Derwood/Shady Grove	1,893	2,569	(676)
Fairland/White Oak	(2,227)	6,484	(8,711)
Gaithersburg City	14,719	19,235	(4,516)
Germantown East	14,830	15,004	(174)
Germantown Town Center	7,104	3,194	3,910
Germantown West	17,164	9,143	8,021
Grosvenor	0	0	0
Kensington/Wheaton	2,862	272	2,590
Montgomery Village/Airpark	3,992	5,734	(1,742)
North Bethesda	6,684	6,184	500
North Potomac	338	228	110
Oney	2,353	887	1,466
Potomac	2,273	246	2,027
R & D Village	14,773	6,123	8,650
Rockville City	9,252	15,319	(6,067)
Silver Spring CBD	9,246	4,591	4,655
Silver Spring/Takoma Park	1,524	887	637
Twinbrook	971	0	971
Wheaton CBD	2,778	115	2,663
White Flint	4,239	1,174	3,065
Total:	134,566	105,962	48,263

Notes

Clarksburg

Rural policy areas (Goshen, Travilah/Darnestown, Rock Creek, Poolesville, and Patuxent) are not assigned staging ceilings. In these areas, subdivision applications are subject to Local Area Transportation Review as well as to relevant zoning and water and sewer constraints.

The ceilings indicate the amount of additional development that can be supported with transportation capacity available from the first four years of the FY95-2000 CIP or the FY94-99 State CTP. Negative numbers indicate the amount by which the estimated level of development exceeds the ceiling. The estimated base level of non-residential development is shown in the FY95 Final Draft AGP.

Although the ceilings are shown for all policy areas, development in Potomac is controlled by the zoning and water and sewer constraints. Development in the Silver Spring CBD is also controlled by the limits established by the Silver Spring Sector Plan.

For all totals, negative numbers are treated as zero. The total net remaining capacity, then, is the total amount of capacity available for new non-residential subdivision approvals.

ELEMENTARY SCHOOLS BY CLUSTER

Table 3

Comparison of 1998 MCPS Projected Elementary School Enrollment to 110% of 1998 Program Capacity
Provided by the Approved FY 95-00 MCPS CIP.

Enrollment		Capacity		AGP Test			
School Policy Areas (High School Cluster)	September 1998 Enrollment Projected by MCPS (as of 4/94)	100% of Program Capacity With County Council Approved FY 95-00 CIP	Capacity Available or (Deficit)	110% of Program Capacity With County Council Approved FY 95-00 CIP	AGP Test 1: What Is Number of Students Below or (Above) 110% Capacity?	AGP Test 2: If Above 110%, What is an Adjacent Cluster with Add'l Avail. Capacity?	AGP Test Result – Capacity Is:
Bethesda-Chevy Chase	2,805	3,093	288	3,402	597	—	Adequate
Blair	4,661	5,248	587	5,773	1,112	—	Adequate
Churchill	2,169	2,421	252	2,663	494	—	Adequate
Damascus	2,841	3,272	431	3,599	758	—	Adequate
Einstein	2,840	3,064	224	3,370	530	—	Adequate
Gaithersburg	4,232	4,984	752	5,482	1,250	—	Adequate
Walter Johnson	2,652	2,710	58	2,981	329	—	Adequate
Kennedy	2,635	2,440	(195)	2,684	49	—	Adequate
Magruder	3,685	3,558	(129)	3,912	227	—	Adequate
R. Montgomery	2,318	2,481	183	2,729	411	—	Adequate
Paint Branch	3,548	3,874	326	4,261	713	—	Adequate
Poolesville	911	919	8	1,011	100	—	Adequate
Quince Orchard	3,687	3,990	303	4,389	702	—	Adequate
Rockville	2,205	2,667	482	2,934	729	—	Adequate
Seneca Valley	5,169	5,107	(62)	5,618	449	—	Adequate
Sherwood	2,945	2,841	(104)	3,125	180	—	Adequate
Springbrook	3,662	4,247	585	4,672	1,010	—	Adequate
Watkins Mill	3,224	3,280	58	3,808	384	—	Adequate
Wheaton	2,528	2,682	156	2,950	424	—	Adequate
Whitman	2,096	2,109	13	2,320	224	—	Adequate
Wootton	2,789	3,103	314	3,413	624	—	Adequate
Total	63,600	68,088	4,488	74,897	11,297	—	

Enrollment Projections by Montgomery County Public Schools.
Cluster Capacity as stated in the Approved FY95-00 CIP.

MIDDLE SCHOOLS BY CLUSTER

Table 4

Comparison of 1998 MCPS Projected Middle School Enrollment to 110% of 1998 Program Capacity
Provided by the Approved FY 95-00 MCPS CIP.

Enrollment		Capacity		AGP Test			
School Policy Areas (High School Cluster)	September 1998 Enrollment Projected by MCPS (as of 4/94)	100% of Program Capacity With County Council Approved FY 95-00 CIP	Capacity Available or (Deficit)	110% of Program Capacity With County Council Approved FY 95-00 CIP	AGP Test 1: What is Number of Students Below or (Above) 110% Capacity?	AGP Test 2: If Above 110%, What is an Adjacent Cluster with Add'l Avail. Capacity?	AGP Test Result – Capacity Is:
Bethesda-Chevy Chase	1,012	903	(109)	993	(19)	Einstein (40)	Adequate
Blair	2,492	2,521	29	2,773	281	—	Adequate
Churchill	1,555	1,616	61	1,778	223	—	Adequate
Damascus	1,273	1,270	(3)	1,397	124	—	Adequate
Einstein	1,226	1,151	(75)	1,266	40	—	Adequate
Gaithersburg	2,056	2,075	19	2,283	227	—	Adequate
Walter Johnson	1,306	1,120	(186)	1,232	(74)	Churchill (223)	Adequate
Kennedy	1,287	1,589	302	1,748	481	—	Adequate
Magruder	1,565	1,305	(260)	1,436	(129)	Gaithersburg (227)	Adequate
R. Montgomery	851	973	22	1,070	119	—	Adequate
Paint Branch	1,722	1,734	12	1,907	185	—	Adequate
Poolesville	420	450	30	495	75	—	Adequate
Quince Orchard	1,728	1,796	68	1,976	248	—	Adequate
Rockville	951	942	(9)	1,036	85	—	Adequate
Seneca Valley	2,014	1,980	(34)	2,178	184	—	Adequate
Sherwood	1,487	1,333	(134)	1,466	(1)	Paint Branch (185)	Adequate
Springbrook	1,654	1,932	278	2,125	471	—	Adequate
Watkins Mill	1,488	1,643	155	1,807	319	—	Adequate
Wheaton	1,046	1,055	9	1,161	115	—	Adequate
Whitman	1,223	1,121	(102)	1,233	10	—	Adequate
Wootton	856	824	(32)	906	50	—	Adequate
Total	29,292	29,333	41	32,266	2,974	—	—

Enrollment Projections by Montgomery County Public Schools.
Cluster capacity as stated in the Approved FY95-00 CIP.

HIGH SCHOOLS BY CLUSTER

Table 5

Comparison of 1998 MCPS Projected High School Enrollment to 110% of 1998 Program Capacity
Provided by the Approved FY 95-00 MCPS CIP.

Enrollment		Capacity		AGP Test			
School Policy Areas (High School Cluster)	September 1998 Enrollment Projected by MCPS (as of 4/94)	100% of Program Capacity With County Council Approved FY 95-00 CIP	Percent of Capacity Available or Percent of Deficit	110% of Program Capacity With County Council Approved FY 95-00 CIP	AGP Test 1: What is Number of Students Below or (Above) 110% Capacity?	AGP Test 2: If Above 110%, What is an Adjacent Cluster with Sufficient Capacity?	AGP Test Result – Capacity is:
Bethesda-Chevy Chase	1,412	1,508	6.4%	1,659	247	—	Adequate
Blair	2,714	2,805	3.2%	3,086	372	—	Adequate
Churchill	1,575	1,498	-5.1%	1,648	73	—	Adequate
Damascus	1,545	1,486	-4.0%	1,635	90	—	Adequate
Einstein	1,411	1,600	11.8%	1,760	349	—	Adequate
Gaithersburg	2,069	1,883	-9.8%	2,071	2	—	Adequate
Walter Johnson	1,508	1,480	-1.9%	1,628	120	—	Adequate
Kennedy	1,478	1,262	-17.1%	1,388	(90)	Sherwood (424)	Adequate
Magruder	1,999	1,598	-25.1%	1,758	(241)	Sherwood (424)	Adequate
R. Montgomery	1,655	1,513	-9.4%	1,664	9	—	Adequate
Paint Branch	1,935	2,325	16.8%	2,558	623	—	Adequate
Poolesville	709	878	19.2%	988	257	—	Adequate
Quince Orchard	2,240	2,353	4.8%	2,588	348	—	Adequate
Rockville	1,289	1,273	-2.0%	1,400	101	—	Adequate
Seneca Valley	2,100	2,344	10.4%	2,578	478	—	Adequate
Sherwood	1,841	2,059	10.6%	2,265	424	—	Adequate
Springbrook	2,290	2,470	7.3%	2,717	427	—	Adequate
Watkins Mill	1,958	1,768	-10.7%	1,945	(13)	Quince Orchard (348)	Adequate
Wheaton	1,358	1,525	11.0%	1,678	320	—	Adequate
Whitman	1,621	1,548	-4.7%	1,703	82	—	Adequate
Wootton	1,617	1,558	-3.8%	1,714	97	—	Adequate
Total	36,334	36,734	1.1%	40,408	4,074	—	

Enrollment Projections by MCPS; Cluster Capacities from the FY95-00 CIP.

Totals include Blair HS capacity of 2,805. Northeast HS allocated to Paint Branch (700), Sherwood (350), and Springbrook (400). Also Northwest HS allocated to Quince Orchard HS (478) and Seneca Valley (729). Additions to other high schools in County Council Approved CIP, and in place by September 1998 included.

Factors Used in Calculating the Total Transportation Level of Service (TTLOS)

TABLE 6

Including Transit Accessibility and Automobile Level of Service

POLICY AREA	Transit			Automobile			Total $TTLOS = (A)*(B)+(D)*(E)$
	Mode Share (A)	RTA Index (B)	LOS (C)	Mode Share (D)	ACI Standard (E)	LOS (F)	
Aspen Hill	0.11	0.38	B	0.89	0.61	C	0.585
Bethesda/Chevy Chase	0.23	0.10	A	0.77	0.73	D	0.585
Clarksburg	0.06	0.98	E	0.94	0.56	C	0.585
Cloverly	0.06	0.83	D	0.94	0.57	C	0.585
Damascus	0.07	0.96	E	0.93	0.56	C	0.585
Derwood/Shady Grove	0.17	0.65	C	0.83	0.57	C	0.585
Fairland/White Oak	0.14	0.55	C	0.86	0.59	C	0.585
Gaithersburg City	0.16	0.70	D	0.84	0.56	C	0.585
Germantown East	0.07	0.81	D	0.93	0.57	C	0.585
Germantown West	0.12	0.82	D	0.88	0.55	C	0.585
Kensington/Wheaton	0.17	0.09	A	0.83	0.69	D	0.585
Montgomery Village/Airpark	0.14	0.76	D	0.86	0.56	C	0.585
North Bethesda	0.24	0.31	B	0.76	0.67	D	0.585
North Potomac	0.07	0.81	D	0.93	0.57	C	0.585
Olney	0.06	0.72	D	0.94	0.58	C	0.585
Potomac	0.08	0.73	D	0.92	0.57	C	0.585
R & D Village	0.15	0.70	D	0.85	0.57	C	0.585
Rockville City	0.14	0.43	B	0.86	0.61	C	0.585
Silver Spring/Takoma Park	0.37	0.00	A	0.63	0.93	E	0.585

NOTES:

1. **BETHESDA/CHEVY CHASE** includes **BETHESDA CBD**.
2. **NORTH BETHESDA** includes **WHITE FLINT, GROSVENOR, and TWINBROOK**.
3. **KENSINGTON/WHEATON** includes **WHEATON CBD**.
4. **SILVER SPRING/TAKOMA PARK** includes **SILVER SPRING CBD**.
5. **GERMANTOWN WEST** includes **GERMANTOWN TOWN CENTER**.
6. column (A): *Transit mode share and auto mode share, added together, always equal 1. Transit mode share is 1-auto mode share.*
7. column (B) is *Regional Transit Accessibility (RTA), an index of a policy area's transit accessibility. The scale goes from zero to one, but is inverted: the policy area with a value of zero (Silver Spring/Takoma Park) is the one with the highest regional transit accessibility.*
8. column (C) shows *Transit LOS (letter grade). "Transit" includes walking and biking.*
9. column (D) shows *resident automobile mode share from the 1990 Census Update.*
10. column (E) is the *Average Congestion Index (ACI) standard for automobile level of service in the policy area.*
11. column (F) shows the *automobile LOS (letter grade) that results from this system.*

**LATR Congestion Standards
by Policy Area**

TABLE 7

Critical Lane Volume Standard	ACI Std. Auto LOS Standard	Policy Area
1450	N/A	Rural areas
1500	0.535 - 0.560	Clarksburg Damascus Germantown East Germantown Town Center Germantown West Montgomery Village/Airpark
1525	0.561 - 0.585	Cloverly Derwood/Shady Grove North Potomac Olney Potomac R & D Village
1550	0.586 - 0.635	Aspen Hill Fairland/White Oak
1600	0.636 - 0.685	North Bethesda
1650	0.686 +	Bethesda/Chevy Chase Kensington/Wheaton Silver Spring/Takoma Park
1800	N/A	Bethesda CBD Grosvenor Silver Spring CBD Twinbrook Wheaton CBD White Flint

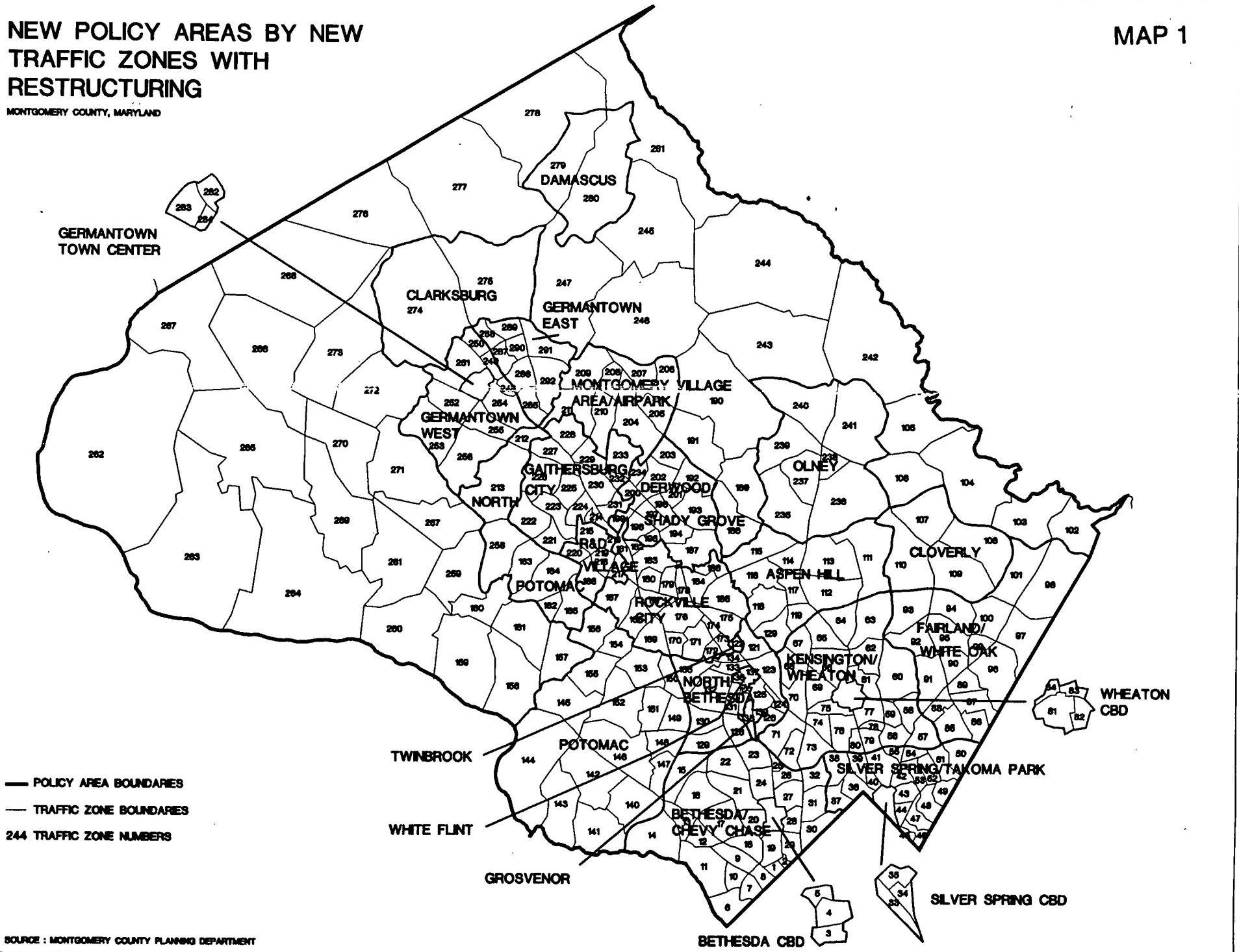
Notes

Clarksburg
Rural areas are: Darnestown/Travilah, Goshen, Patuxent, Poolesville, and Rock Creek. Potomac, R & D Village, Bethesda CBD, Friendship Heights CBD and Silver Spring CBD have special LATR rules identified in their master plans or in the Annual Growth Policy.

NEW POLICY AREAS BY NEW TRAFFIC ZONES WITH RESTRUCTURING

MAP 1

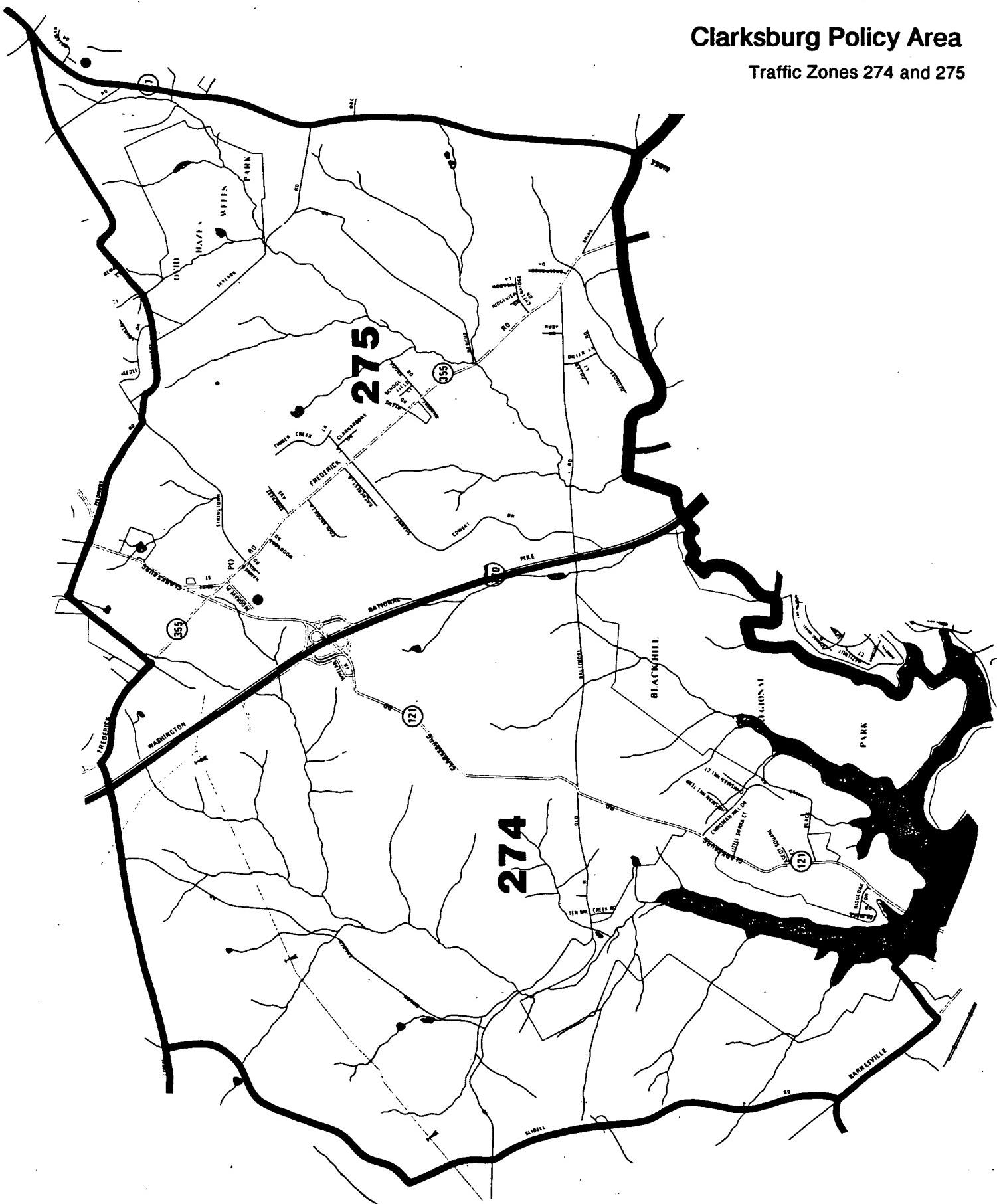
MONTGOMERY COUNTY, MARYLAND



MAP 2

Clarksburg Policy Area

Traffic Zones 274 and 275



AGENDA ITEM #2
July 14, 1994

MEMORANDUM

July 13, 1994

TO: County Council
FROM: ^{GO} Glenn Orlin, Senior Legislative Analyst
^{MF} Michael Faden, Senior Legislative Attorney
SUBJECT: Action—Annual Growth Policy

Attached is the resolution to adopt the new Annual Growth Policy, expressed as additions and [deletions] to the FY 94 AGP. There are three issues outstanding:

Clarksburg Policy Area. The attached resolution includes the language that would create a policy area for Clarksburg. If the Council decides to defer creation of the policy area until next year, Council staff urges that the following item should be added to the "Issues to be Addressed During Next Fiscal Year" on page 39:

(h) Clarksburg Policy Area(s) - The Planning Board, with the aid of the Executive, should conduct the appropriate analyses necessary to allow the creation of one or more policy areas within the Clarksburg Planning Area.

In addition, Clarksburg should be added to the list of rural areas at the top of page 5 and on Table 7.

Monitoring the variable LATR standards. When the Council tentatively approved the variable Local Area Transportation Review standards, it also wanted language in the AGP noting that the congestion at intersections higher than 1525 Critical Lane Volume (CLV) should be monitored over time to determine whether the standards ultimately should be adjusted further. John Viner of the North Bethesda Congress of Citizens Associations and Dan Wilhelm of the Greater Colesville Citizens Association have developed the text attached on circle 1. Council staff recommends that it be included in the resolution as item (i) Monitoring and evaluating LATR standards on page 39.

Bethesda CBD Policy Area. With the adoption of the Bethesda CBD Sector Plan, a LATR standard of 1800 CLV was created. The AGP resolution reflects this. An additional issue, however, is whether or not to have the Alternative Review Process for Metro Station Policy Areas apply now to the Bethesda CBD Policy Area. When Councilmember Adams introduced his proposal last year, he recommended (and the Council approved) applying it to the Metro Station Policy Areas of Grosvenor, White Flint, Twinbrook, and Wheaton CBD. At that time, he noted that next year (i.e., now), after the Bethesda Sector Plan has been adopted, the Council could address that area in the AGP.

Council staff recommends that the Council either apply the Alternative Review Process to the Bethesda CBD Policy Area now (and including it on the list of applicable policy areas at the top of page 30) or, alternatively, defer this issue until the FY 96 policy element. There is already a work program item--item (d) (see page 39)--under which this evaluation would fall.

GO:MF:mjb

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07/13/94

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B301 217 7499

MUNIG CO COURTS

To: County Council
→ Glenn Orlin

7499
VIA FAX 217-7989

July 13, 1994

From: John Viner and Dan Wilhelm

Subject: July 14th Worksession on AGP Methodology - Proposed language for Council Resolution on the provision to monitor the variable LATR standards.

The following suggested language reflects the comments of Glenn Orlin and replaces our FAX of July 12th on this issue. Dan Wilhelm and I are delighted that, collectively, we have been able to develop this mutually acceptable language. We wish to acknowledge the assistance of Bruce Adams and Betty Ann Krahne in it's development.

"The MNCPPC shall with the aid of the Executive design, conduct and provide a written report of a monitoring effort to determine the operational performance of intersections with a critical lane volume above 1525 CLV. This study shall include appropriate on site observations of intersections representing a variety of important conditions affecting intersection capacity such as nearby turning obstructions from shopping centers, high turning traffic volumes, high pedestrian volumes, and road obstructions from bus stops. This study is intended to provide an objective basis on which to evaluate the upper limits of the variable CLV LATR standards and form the basis of any needed adjustments in these limits. Recommendations in the report to retain or revise these upper limits shall take into consideration both the likely affects of future growth in "through traffic" which cannot be limited by the LATR process and opportunities to relieve this traffic growth through other improvements. MNCPPC will report its findings in a future policy element."

Comments:

- * This study is intended to form the basis of a very important quality of life issue and needs to be technically sound.
- * The study design and report need not be elaborate but are essential to both understand and evaluate the true meaning of the findings of the monitoring effort.
- * The object of the effort is to use observations on a selected set of intersections to estimate the future operational performance of other intersections. As such, it is essential to consider any unavoidable growth in "through traffic" not limited by the LATR process. This point was made by MNCPPC staff during discussion of this topic before the Council.

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